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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,834	04/13/2006	Franz Amtmann	AT03 0057 US1	5660
65913	7590	03/05/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			RUSHING, MARK S	
			ART UNIT	PAPER NUMBER
			2612	
			NOTIFICATION DATE	DELIVERY MODE
			03/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/575,834	Applicant(s) AMTMANN ET AL.	
	Examiner Mark Rushing	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/13/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This is in response to application filed on 4/13/2006 in which claims 1-17 are presented for examination are pending of which Claims 1, 5, 9 and 14 are in independent form.

Specification

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: Col 2 Lines 15-23.

3. The disclosure is objected to because of the following informalities: Claims should not be incorporated in the specification (e.g. Col 7 Lines 4, 18 and 24, recited claims should be omitted).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2612

5. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. An attempt has been made to discern and examine Claims 1-4 and 9-13 on their merits. Claims 5-8 and 14-17 will be examined on their merits after they have been clearly defined.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 3, 4, 9, 10, 11, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Doany (US 6,377,203).

Regarding Claim 1 Doany discloses a receiving method for the contactless reception of identification information (Abstract) which identification information is stored in a data carrier (see 94a of Fig 9) which can be transferred from the data carrier in a contactless manner in the form of information units (94b of Fig 9) to a communication device and can be received with the communication device, said receiving method having the steps presented below, namely reception of an information unit (Abstract) and detection that the received information unit represents a collision of two different information units occurring essentially simultaneously (Col 1 Lines 6-10), and of which

Art Unit: 2612

two different information units the first information unit originates from a first data carrier and the second information unit originates from a second data carrier (Abstract), and replacing the received information unit with a first replacement information unit established by the communication device, which replacement information unit is used instead of the information unit representing the collision as the information unit that originates from the first data carrier, and delivery of the first replacement information unit in a contactless manner (Col 4 Lines 58-63).

Regarding Claim 2 Doany discloses a receiving method, wherein additionally each information unit received at communication device prior to collision detection is buffered (Col 8 Lines 41-49) as the information unit that originates from the second data carrier.

Regarding Claim 3 Doany discloses a receiving method, wherein the previously established first replacement information unit is replaced with a second replacement information unit differing from it, which second replacement unit is used instead of the information unit representing the collision, as the information unit that originates from the second data carrier (Col 5 Lines 45-56)

Regarding Claim 4 Doany discloses a receiving method, wherein, following complete presence of all information units that originate from the first data carrier, a continue command is generated and is delivered in a contactless manner, by means of which delivery of the information units the identification information continues at the second data carrier with the information unit coming after the information unit that previously caused collision detection (Col 4 Line 58 - Col 5 Line 4)).

Regarding Claim 9, the method claim is interpreted and rejected as Claim 1 stated above.

Regarding Claim 10, the method claim is interpreted and rejected as Claim 2 stated above.

Regarding Claim 11, the method claim is interpreted and rejected as Claim 3 stated above.

Regarding Claim 12, the method claim is interpreted and rejected as Claim 4 stated above.

Regarding Claim 13 Doany discloses a communication device with a communication device circuit (Fig 9).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Denne et al. (US 4,691,202) discloses an identification system with an interrogator that retransmits a collision signal back to the multiple transponders to sort out the corrupted signal.
- b. Black et al. (US 6,265,962) discloses a method for resolving signal collisions between multiple RFID transponders in a field.
- c. Vercellotti et al. (US 5,266,925) discloses an electronic identification tag interrogation method. If more than one reply is received by the portal, the interrogation address is bisected and retransmitted.

Art Unit: 2612

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rushing whose telephone number is (571)270-5876. The examiner can normally be reached on Monday-Friday 8:30AM to 5:00PM EST (Alt Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 571-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MR/

/Benny Q Tieu/

Supervisory Patent Examiner, Art Unit 4182